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Docket No: 38-10(15486)B *Generate*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Thomas P. Beals

Art Unit: 1634

Serial No: 09/955,869

Examiner: Ethan C. Whisenant

Filed : 09/19/2001

For: Methods for gene array analysis
of nuclear runoff transcripts

September 18, 2002

FAX RECEIVED

SEP 19 2002

RESPONSE TO RESTRICTION REQUIREMENT

GROUP 1600

AND PRELIMINARY AMENDMENT

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, DC 20231

OFFICIAL

Sir:

Responsive to the Office Action mailed 09/04/2002 which sets forth a restriction requirement and period of one month to reply, applicant hereby timely responds by making the following provisional election with traverse of the undue division of his invention. In particular applicant submits that the broader scope of the invention is directed to analysis of mRNA in select eukaryotic cells as illustrated by the following preliminary amendment. However, to comply with the restriction requirement and advance the prosecution of this application, applicant hereby provisionally elects the subject matter of Group I comprising original claims 1-8 and 13 which the PTO has characterized as being drawn to a method for determining the transcription rate of mRNA in select eukaryotic cells, classified in at least class 435, subclass 6.

Certificate of Facsimile Transmission

I hereby certify that this correspondence (5 pages) is being facsimile transmitted to the USPTO, Technical Center 1600, Fax No: 703-308-4242 on September 18, 2002

Thomas E. Kelley

Thomas E. Kelley, Registration No. 29,938

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PRELIMINARY AMENDMENT

Please enter the amendment to claims 1, 8 and 9 as illustrated in the attached sheets of amended claims and marked-up version of amended claims. These amendments serve to unify the subject matter of this invention.

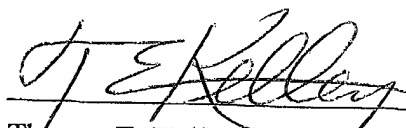
REMARKS

Support for the amendment to claims 1 and 8 directed to methods for "analyzing" is found in the specification at page 1, lines 2-10, which clearly indicate the invention is directed to methods for "analyzing transcription of mRNA in eukaryotic cells using nuclear runoff transcription assays". Other amendments are either clearly supported in the prior preamble of the respective claim or serve to correct the syntax or grammar of a claim.

In view of the unifying nature of the amendment applicant respectfully requests reconsideration of the restriction requirement. In particular applicant specifically requests concurrent examination of claims 1-14.

The Examiner is invited to call applicant's attorney to discuss any matters for expediting prosecution of this application.

Respectfully submitted,



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